

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alexander Opoku-Agyemang	Team: Team # 5	CCRB Case #: 201013036	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 09/22/2010 7:45 PM	Location of Incident: Troutman Street and Central Avenue	Precinct: 83	18 Mo. SOL 3/22/2012	EO SOL 3/22/2012	
Date/Time CV Reported Fri, 09/24/2010 3:29 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 09/24/2010 3:29 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Steve Lafortune	02570	928609	NARCBBN
2. DT3 Matthew Zito	04038	937792	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Matthew Zito	Abuse: Det. Matthew Zito stopped the car in which § 87(2)(b) was an occupant.	
B.DT3 Steve Lafortune	Abuse: Det. Steve Lafortune stopped the car in which § 87(2)(b) was an occupant.	
C.DT3 Matthew Zito	Abuse: Det. Matthew Zito drew his gun.	
D.DT3 Steve Lafortune	Abuse: Det. Steve Lafortune drew his gun.	
E.DT3 Matthew Zito	Abuse: Det. Matthew Zito frisked § 87(2)(b)	
F.DT3 Matthew Zito	Abuse: Det. Matthew Zito searched § 87(2)(b)	
G.DT3 Steve Lafortune	Abuse: Det. Steve Lafortune searched § 87(2)(b)	
H.DT3 Matthew Zito	Abuse: Det. Matthew Zito searched the car in which § 87(2)(b) was an occupant.	
§ 87(4-b), § 87(2)(g)		
§ 87(4-b), § 87(2)(g)		

Case Summary

On September 24, 2010, § 87(2)(b) filed the following complaint via the CCRB online website (Encl. 5A-D).

At approximately 7:45 p.m. on September 22, 2010, § 87(2)(b) vehicle was stopped at the intersection of Troutman Street and Central Avenue in Brooklyn by Det. Steve Lafortune and Det. Matthew Zito. The following allegations resulted:

- **Allegation A – Abuse of Authority – Det. Matthew Zito stopped the car in which § 87(2)(b) was an occupant.**
- **Allegation B – Abuse of Authority – Det. Steve Lafortune stopped the car in which § 87(2)(b) was an occupant.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation C – Abuse of Authority – Det. Matthew Zito drew his gun.**
- **Allegation D – Abuse of Authority – Det. Steve Lafortune drew his gun.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation E – Abuse of Authority – Det. Matthew Zito frisked § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
- **Allegation F – Abuse of Authority – Det. Matthew Zito searched § 87(2)(b)**
- **Allegation G – Abuse of Authority – Det. Steve Lafortune searched § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
- **Allegation H – Abuse of Authority – Det. Matthew Zito searched the car in which § 87(2)(b) was an occupant.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Results of Investigation

Civilian Statement(s)

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a 5'11" tall, 200 pound, § 87(2)(b)-old Hispanic male with black hair and brown eyes.
§ 87(2)(b)
§ 87(2)(b)

CCRB Testimony

On October 15, 2010, § 87(2)(b) was interviewed at CCRB (Encl. 6A-J). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

At approximately 7:45 p.m. on September 22, 2010, § 87(2)(b) dropped off an acquaintance, whom he knew only by the name “§ 87(2)(b)” in front of § 87(2)(b) in Brooklyn in his Ford Explorer SUV. § 87(2)(b) had been helping § 87(2)(b) renovate a store owned by § 87(2)(b) sister-in-law and § 87(2)(b) was returning § 87(2)(b) home. After dropping off § 87(2)(b) and shaking hands with him, § 87(2)(b) continued driving down Central Avenue. At Central Avenue and Troutman Street, § 87(2)(b) stopped at a red light. Two plainclothes officers approached § 87(2)(b) vehicle and knocked on the windows. A white male, identified via the investigation as Det. Matthew Zito, stood beside the front driver’s side and a black male, identified via the investigation as Det. Steve Lafortune, stood on the passenger side. Both officers had gold shields around their necks and their guns drawn.

Det. Zito asked § 87(2)(b) to shut off his vehicle. § 87(2)(b) did not turn off his vehicle and asked Det. Zito to explain to him why they had approached him. Det. Zito asked § 87(2)(b) twice more to turn off his vehicle and he did so. Det. Zito then asked § 87(2)(b) to exit his vehicle. § 87(2)(b) opened the door and as he was stepping out of the car, Det. Zito grabbed his shoulder. § 87(2)(b) stated that while Det. Zito was holding him when he exited, he did not pull him forcibly out of the car. § 87(2)(b) had both hands in his front jean pockets and Det. Zito asked him what he had in his pockets. § 87(2)(b) removed his hands out of his pockets along with money that had been inside his pocket. Det. Zito noticed that § 87(2)(b) had something in his hand and asked him what it was. § 87(2)(b) opened his hands and showed the officers the money. Det. Zito frisked § 87(2)(b) legs and searched his front pockets while Det. Lafortune searched his back pockets. Det. Zito told him that they suspected him of having been part of a drug deal with § 87(2)(b) because they had arrested § 87(2)(b) about ten times for using drugs and selling drugs. § 87(2)(b) asked the officers what § 87(2)(b) name was but neither one of them gave him an answer. § 87(2)(b) explained to the officers that § 87(2)(b) had been helping him do some construction work and drew their attention to the sheetrock dust that was covering his clothing.

§ 87(2)(b) driver door was still open and while Det. Lafortune began questioning him, Det. Zito entered § 87(2)(b) car through the front driver’s side door and began looking into the car. Det. Zito exited the car, walked around the car and re-entered through the front passenger door. § 87(2)(b) saw Det. Zito opening his glove compartment and looking through it. § 87(2)(b) said to Det. Lafortune, who was standing beside § 87(2)(b) “What is he doing? You are not in hot pursuit, I haven’t committed a crime so I am not under arrest, you don’t have a search warrant, and I am not giving you guys permission to search my truck.” Det. Zito appeared to have overheard this and reacted by stepping out of § 87(2)(b) vehicle, taking out his handcuffs, and running towards § 87(2)(b). Det. Lafortune stepped between Det. Zito and § 87(2)(b) and said to Det. Zito, “I’ll handle this.” Det. Lafortune took out his handcuffs, cuffed § 87(2)(b) and led him to the rear of the vehicle.

Det. Zito returned to searching the vehicle. At this point § 87(2)(b) noticed several individuals standing in front of a grocery store located at the intersection of Central Avenue and Troutman Avenue, observing the incident. § 87(2)(b) repeatedly turned his head to look into the vehicle through the rear windshield. Whenever he looked, he would see Det. Zito still inside § 87(2)(b) car and Det. Lafortune would tell him to stop looking into the vehicle. § 87(2)(b) repeatedly asked Det. Lafortune for Det. Zito’s badge number but Det. Lafortune did not reply.

Det. Zito exited § 87(2)(b) vehicle and asked him if he had any ID on him. § 87(2)(b) began to reply, “I don’t have it on me, it’s...” before § 87(2)(b) could finish his reply, Det. Zito shouted, “That’s it, we are locking him up for no ID.” § 87(2)(b) explained to Det. Lafortune that his ID was inside another pair of pants inside the vehicle. Det. Lafortune relayed this information to Det. Zito and Det. Zito re-entered § 87(2)(b) vehicle. After a few more minutes, Det. Zito stepped out of the car and told Det. Lafortune to not uncuff § 87(2)(b). Det. Lafortune shook his head and removed the handcuffs from § 87(2)(b) hands. § 87(2)(b) asked Det. Lafortune for his badge number and Det. Zito’s badge number. Det. Lafortune provided his own name and badge number but refused to provide Det. Zito’s information. The officers walked back into their vehicle, with § 87(2)(b) license and registration in Det. Zito’s hands. § 87(2)(b) stated that at some point during their interactions Det. Zito threatened to take him “to Central Booking” but § 87(2)(b) did not recall when in the incident this took place or what the context was.

When § 87(2)(b) returned to his vehicle, he found his money and his cards, which had been in his wallet. Which he had left in the car, strewn all over the front seats in the vehicle. His car key, which he had left in the ignition, was underneath the driver’s seat. The glove compartment was open and the things that had been in the compartment were also strewn on the seats and on the floor of the vehicle. § 87(2)(b) phone, which he had left on his console, was also on the floor. § 87(2)(b) picked up his phone and took a picture of the officers’ vehicle. Det. Lafortune gave § 87(2)(b) license and registration back to him and the officers drove off.

Attempts to Contact Civilians

Investigators conducted field work in the neighborhood around the intersection of Central Avenue and Troutman Street on December 23, 2010. There were two grocery stores located at this intersection, Los Primos Grocery Store (Encl. 3B) and Jaquez Food Coop (Encl. 3C). The investigators spoke with the owners of both grocery stores and the staff who were on duty on September 22, 2010. None of them recalled this incident. Video cameras were observed on 105 Central Avenue, the building that contained Los Primos Grocery Store. The contact information for the superintendent of the building, § 87(2)(b) was obtained during the canvass. On January 3, 2011, the CCRB contacted § 87(2)(b), who stated that the cameras around 105 Central Avenue were non-functioning decoys.

NYPD Statement(s):

Subject Officer: DET. MATTHEW ZITO

- *Det. Zito is a § 87(2)(b)-old, 6’2” tall, 240 pound white male with brown hair and brown eyes.*
- *Det. Zito worked from 2:27 p.m. to 11:00 p.m. on September 22, 2010, assigned to Brooklyn North Narcotics enforcement in the 83rd Precinct with Det. Steve Lafortune. They were in plainclothes and assigned to an unmarked blue minivan #7748.*

Memo Book

Det. Zito’s memo book (Encl. 7A-C) has an entry indicating that at 7:40 p.m. he stopped § 87(2)(b) vehicle, license plate #§ 87(2)(b) in front of 105 Central Avenue on suspicion of a drug sale. There is a note that a UF250 was filed for the stop.

CCRB Testimony

On February 9, 2011, Det. Zito was interviewed at the CCRB (Encl. 7D-F).

At approximately 7:40 p.m. on September 22, 2010, Det. Zito and Det. Lafortune were patrolling the 83rd Precinct when Det. Zito, who was the driver, saw an SUV that was one or two car-lengths in front of them slow down and pull over to the side of the street. Det. Zito did not recall where this took place. As Det. Zito drove by the SUV, he saw, through an open side window, an individual in the driver's seat, who he later identified as § 87(2)(b) pass an object, which Det. Zito could not observe, to another individual who was sitting in the front passenger seat. The passenger exited the SUV and quickly walked off. When the passenger exited the vehicle, Det. Zito recognized him as an individual that members of his command had arrested on previous occasions for drug possession and sale. This led Det. Zito to believe that a drug transaction had occurred between § 87(2)(b) and the passenger. Det. Zito decided to follow § 87(2)(b) vehicle instead of the passenger. Det. Zito could not recall the passenger's name and was not sure if he had ever actually personally arrested the passenger.

Det. Zito followed § 87(2)(b) and at the intersection of Troutman Street and Central Avenue he turned on the flashing lights and § 87(2)(b) stopped his vehicle. Det. Zito could not recall how long he followed § 87(2)(b) before pulling over his vehicle. Det. Zito and Det. Lafortune exited their vehicle and approached § 87(2)(b) vehicle. Det. Zito approached the driver's side of the vehicle while Det. La Fortune approached the passenger's side. Neither Det. Zito nor Det. Lafortune had their gun drawn at this time or at any other point in time during this incident.

When he reached the driver's window, Det. Zito pulled out his shield, identified himself as a police officer, and asked § 87(2)(b) to exit the vehicle. § 87(2)(b) exited the vehicle immediately voluntarily. Det. Zito asked § 87(2)(b) to step out of the car "just to be safe." § 87(2)(b) appeared upset that the officers had stopped him and he argued with them while moving his hands angrily. Det. Zito did not recall what § 87(2)(b) was saying and could not describe the movements that § 87(2)(b) was making with his hands. Det. Zito noticed that § 87(2)(b) had money inside his hand. Det. Zito asked § 87(2)(b) to open his hand. § 87(2)(b) opened his hand and Det. Zito saw that it was a \$20 bill. This further raised Det. Zito's suspicion that § 87(2)(b) had been involved in a drug transaction with the passenger. Det. Zito asked § 87(2)(b) about his interaction with the passenger and § 87(2)(b) replied that the passenger had owed him money and had paid him back in the car. Det. Zito proceeded to frisk § 87(2)(b) waistband, pant- legs, and pockets for weapons. Det. Zito stated that he did this for his safety because the combination of § 87(2)(b) disgruntlement and the possibility that he had been involved in a drug transaction made him nervous. Det. Zito found no weapons on § 87(2)(b) and did not recall having reached his hands into any of § 87(2)(b) pockets. He did not see Det. Lafortune reach into any of § 87(2)(b) pockets. He did not recall whether or not § 87(2)(b) had his hands in his pockets at any point during their interactions.

Det. Zito entered into the front compartment of § 87(2)(b) SUV and searched the area underneath and around the front driver and passenger seats and the middle console for weapons. He did not recall opening the glove compartment. He searched the vehicle because the combination of § 87(2)(b) disgruntlement and the possibility that he had been involved in a drug transaction made him believe that there might be a weapon in the car. Det. Zito found no weapons or narcotics inside § 87(2)(b) vehicle and did not remove any objects from the vehicle or search any articles of clothing inside the vehicle.

Det. Zito did not recall whether or not § 87(2)(b) was handcuffed at any point in time during this incident. He denied having threatened to arrest § 87(2)(b) or take him down to Central Booking at any point during the incident. He recalled having asked § 87(2)(b) for an ID but he did not recall when in the incident this occurred or from where § 87(2)(b) produced the ID, though he recalled that § 87(2)(b) did produce one. Det. Zito stated that he filled out a UF250 for the stop of § 87(2)(b) and filed it at the 83rd Precinct.

Subject Officer: DET. STEVE LAFORTUNE

- *Det. Lafortune is a § 87(2)(b) -old, 5'10" tall, 220 pound black male with black hair and brown eyes.*
- *Det. Lafortune worked from 2:27 p.m. to 11:00 p.m. on September 22, 2010, assigned to Brooklyn North Narcotics enforcement in the 83rd Precinct with Det. Mathew Zito. They were in plainclothes and assigned to an unmarked blue minivan #7748.*

Memo Book

Det. Lafortune's memo book (Encl. 8A-C) has an entry indicating that at 7:20 p.m. he stopped a car at the intersection of Central Avenue and Troutman Street. There is a note that a UF250 was filed for the stop.

CCRB Testimony

On February 9, 2011, Det. Lafortune was interviewed at the CCRB (Encl. 8D-F).

As Det. Zito and Det. Lafortune were patrolling in the 83rd Precinct, Det. Lafortune saw a vehicle in front of them slow down and pull over to the side of the street. Det. Lafortune did not recall what street this occurred on. As Det. Zito drove by the vehicle, Det. Lafortune looked into the vehicle through a window. He observed the driver, who he later identified as § 87(2)(b) pass what appeared to be money to an individual in the front passenger seat. The passenger exited the vehicle and walked away. When the passenger exited the vehicle, Det. Lafortune recognized him as an individual that members of his command had arrested on previous occasions for drug possession and sale. This led Det. Lafortune to believe that a drug transaction had been conducted between § 87(2)(b) and the individual inside the vehicle. Det. Lafortune could not recall the individual's name.

Det. Lafortune and Det. Zito followed the vehicle and pulled it over at the intersection of Troutman Street and Central Avenue in Brooklyn, a block or two from where they had initially observed it. Det. Lafortune and Det. Zito exited their vehicle and approached § 87(2)(b) vehicle. Det. Zito approached the driver's side while Det. Lafortune approached the passenger side. Neither of them had their gun drawn at this time or any point during this incident. When they reached the windows, Det. Zito asked § 87(2)(b) for ID. § 87(2)(b) provided his driver's license and Det. Zito instructed § 87(2)(b) to exit the vehicle.

When § 87(2)(b) exited, Det. Zito spoke to him. Det. Lafortune did not recall what was said between Det. Zito and § 87(2)(b). Det. Lafortune then told § 87(2)(b) to step to the front of the vehicle. Det. Lafortune then spoke with § 87(2)(b). § 87(2)(b) asked Det. Lafortune why he was being stopped and Det. Lafortune replied that it was because they were conducting an investigation. § 87(2)(b) then asked him for his name and the name of his partner. Det. Lafortune provided his name and shield number to § 87(2)(b) but did not provide Det. Zito's name. Det. Lafortune frisked § 87(2)(b) from his shoulders down to his waistband. Det. Lafortune believed § 87(2)(b) posed a potential threat to their safety because he had been stopped on the suspicion of having committed a felony, criminal sale of a controlled substance. Det. Lafortune did not feel anything that he believed to be a weapon while frisking § 87(2)(b) and did not place his hands into any of § 87(2)(b) pockets. He did not recall observing Det. Zito frisk or search § 87(2)(b). Det. Lafortune stated that he saw Det. Zito looking into § 87(2)(b) vehicle through the driver's side door but he did not observe any part of his body enter § 87(2)(b) vehicle. Det. Lafortune initially stated that § 87(2)(b) was cuffed during this incident but then, upon further questioning, stated that he did not recall whether or not § 87(2)(b) was cuffed. Det. Lafortune did not hear Det. Zito tell § 87(2)(b) that he was under arrest, threaten to arrest him, or threaten to take him to Central Booking. He believed that Det. Zito filed a UF250 report for the stop of § 87(2)(b).

NYPD Document(s)

83rd Precinct Handwritten UF250 Stop and Frisk log Receipt for Request to 83rd Precinct

The Handwritten Stop and Frisk Report Log from the 83rd Precinct (Encl. 9A-D), covering the dates of September 19, 2010, to September 27, 2010, does not list a UF250 for § 87(2)(b) or a UF250 filed by either Det. Zito or Det. Lafortune.

A request made to the 83rd Precinct via IAB (Encl. 12H), requesting a UF250 Stop and Frisk report for § 87(2)(b) was returned with the notation that no such UF250 was on record at the precinct.

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York with regards to this incident as of April 18, 2011 (Encl. 11C).

Civilian(s) CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (Encl. 2D).

Subject Officer(s) CCRB History

- Det. Steve Lafortune has been a member of the service for nine years and there are no substantiated CCRB allegations against him (Encl. 2A).
- Det. Matthew Zito has been a member of the service for six years and there is one substantiated CCRB allegation against him (Encl. 2B-2C):
 - In regards to CCRB case number 201001754, allegations of vehicle stop, vehicle search, and frisk were substantiated against Det. Zito. An NYPD disposition has yet to be entered for this case.

Conclusion

Identification of Subject Officer(s)

- Det. Zito and Det. Lafortune acknowledged having stopped § 87(2)(b) vehicle on September 22, 2010. Det. Zito and Det. Lafortune are easily distinguished and there is no confusion as to which officer § 87(2)(b) makes individual allegations against. § 87(2)(g)

Allegations not Pleaded

- Det. Lafortune testified that he frisked § 87(2)(b) during the vehicle stop. However, because § 87(2)(b) made no such allegation against him, no frisk allegation was pleaded against Det. Lafortune.

Investigative Findings and Recommendations

Allegation A – Abuse of Authority – Det. Matthew Zito stopped the car in which § 87(2)(b) was an occupant.

Allegation B – Abuse of Authority – Det. Steve Lafortune stopped the car in which § 87(2)(b) was an occupant.

Det. Zito and Det. Lafortune testified that while driving somewhere in the 83rd Precinct, neither recalled specifically where, they made their initial observation of § 87(2)(b) they observed § 87(2)(b) vehicle pull over to the side of the street. While driving by § 87(2)(b) vehicle, they saw, through the side windows of vehicle, money passed from a passenger in the front passenger seat to § 87(2)(b). Neither officer testified to having seen an object passed in exchange for the money.

The passenger immediately exited the vehicle and walked away. Both officers observed that the passenger resembled an individual who other officers from their command had arrested on previous occasions for drug-related offenses. Neither officer, however, could provide any details about the individual or recall if they themselves had arrested the individual before. From these observations they surmised that a drug sale may have taken place between § 87(2)(b) and the passenger and proceeded to stop his vehicle. Det. Zito asked § 87(2)(b) to exit his vehicle, which the officers testified that he did immediately, though § 87(2)(b) actually testified he did so only after Det. Zito asked twice more for him to exit his vehicle. Det. Zito observed a \$20 bill in his hand and questioned § 87(2)(b) about his interactions with the passenger. § 87(2)(b) according to Det. Lafortune, told the officers that the passenger had owed him money and had paid him prior to exiting the vehicle. Det. Zito proceeded to frisk § 87(2)(b) and then search his vehicle.

A vehicle stop and subsequent detention of a driver requires that officers have a reasonable belief that a traffic infraction has occurred or criminality is afoot. People v. Barreras 677 N.Y.S.2d 526 (1998 - 1st Dept) (Encl. 1A-E). The question then is whether, given the totality of circumstances, the observations made by Det. Zito and Det. Lafortune constituted a reasonable suspicion that § 87(2)(b) had been involved in a drug transaction.

People v. Tyler 30 Misc. 3d 1218A (Sup. Ct. NY County – 2011) (Encl. 1H-K) regards a circumstance in which the court ruled that officers would have been permitted to approach the defendant to acquire explanatory information but were not permitted to do what they ultimately did, which was to detain and then arrest him. In that instance, officers observed two individuals, neither of whom was the defendant Milo Tyler, make a drug transaction. Shortly thereafter, officers observed one of the individuals shake hands with Mr. Tyler. The officers did not observe any objects passed between them and did not testify to there having been anything unusual about the handshake. The officers arrested the individual whom Mr. Tyler had shaken hands and then chased after Mr. Tyler, stopped him, and arrested him.

§ 87(2)(g)

§ 87(2)(g)

Allegation C – Abuse of Authority – Det. Matthew Zito drew his gun.

Allegation D – Abuse of Authority – Det. Steve Lafortune drew his gun.

§ 87(2)(b) alleged that Det. Zito and Det. Lafortune had their guns drawn, though not pointed, as they approached his vehicle. Both officers denied having had their guns drawn while approaching § 87(2)(b) vehicle or having drawn their guns at any point during this incident. § 87(2)(g)

Allegation E – Abuse of Authority – Det. Matthew Zito frisked § 87(2)(b)

Det. Zito stated that he frisked § 87(2)(b) and searched his vehicle for weapons because he feared for his safety due to the fact that § 87(2)(b) appeared to be upset that he had been pulled over and that individuals who are involved in drug transactions often carry guns.

It is permissible for an officer to frisk an individual only if the officers has a particularized reasonable suspicion that an individual is armed and potentially dangerous. People v. Gonzalez 743. N.Y.S.2d 112 (2002) (Encl. 1Q-R). § 87(2)(g)

Allegation F – Abuse of Authority – Det. Matthew Zito searched § 87(2)(b)

Allegation G – Abuse of Authority – Det. Steve Lafortune searched § 87(2)(b)

Both officers stated that no weapons were found on § 87(2)(b) during his frisk and did not recall having subsequently reached into § 87(2)(b) pockets. § 87(2)(g)

Allegation H – Abuse of Authority – Det. Matthew Zito searched the car in which § 87(2)(b)

§ 87(2)(b) **was an occupant.**

It is undisputed that Det. Zito searched § 87(2)(b) car. Det. Zito stated that he searched the vehicle because the combination of § 87(2)(b) disgruntlement and the possibility that he had been involved in a drug transaction made him believe that there might be a weapon in the car.

The justification for the search of a car must be predicated on probable cause to arrest an occupant coupled with a reasonable belief that the vehicle contains contraband or a weapon. Barreras (Encl. 1A). Furthermore, in order to justify a search of a vehicle for weapons, the prospect of there being a weapon in the car must be “substantial.” People v. Carvey 89. NY.2d 707 (1997) (Encl. 1L-P).

§ 87(2)(g)
[REDACTED]

§ 87(4-b), § 87(2)(g)
[REDACTED]

[REDACTED]

Team: 5

Investigator: _____ :
Signature Alexander Opoku-Agyemang August 19, 2011
Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date